# **EXHIBIT 5**

## Case 3:20-cv-06754-WHA Document 594-13 Filed 04/25/23 Page 2 of 5 HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1	UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA
3	x
	SONOS, INC.,
4	
	Plaintiff,
5	vs. Case No. 3:21-CV-07559-WHA
6	GOOGLE LLC,
	Defendant.
7	x
8	-AND-
9	
.0	UNITED STATES DISTRICT COURT
.1	FOR THE NORTHERN DISTRICT OF CALIFORNIA
.2	x
.3	GOOGLE LLC,
.4	Plaintiff,
.5	vs. Case No. 3:20-CV-06754-WHA
.6	SONOS, INC.,
	Defendant.
.7	x
.8	**HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY**
.9	**SOURCE CODE**
20	
21	REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF
22	DAN SCHONFELD, PH.D.
23	Friday, February 3, 2023
24	Reported By: Lynne Ledanois, CSR 6811
25	Job No. 5698162
	Page 1

## Case 3:20-cv-06754-WHA Document 594-13 Filed 04/25/23 Page 3 of 5 HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 I don't recall. 6.25AM   2   Q Was it more than \$100,0000?			_	
3 A I'm pretry sure the answer is yest, but I 4 really have no chear idea of the actual amount. 5 Q Do you know if it is mere than \$500,000? 6 A It's not more than \$500.000? 7 Q So somewhere in between 100,000 and 8 500,000? 8 7 South in that runge. It's somewhere probably 11 A Not in that runge. It's somewhere probably 12 higher than 100,00 but I would venture to say most 1 likely much closer to 100,000 dan to anything close to 1 didn't go back and double check that at this 15 As I said. I have really no recollection. 6:26AM 16 I didn't go back and double check that at this 16 I didn't go back and double check that at this 17 point. And we're talking about a range of over two 18 years, so I ready don't have any clear idea. 19 Q Now, if you can look in the shared exhibit 19 poly on see the three exhibits that I have 6:27AM 20 doctared copy of your ople expert report. 21 dentification.) 6:27AM 22 Q If you could open up the next exhibit. 30 folder, do you see the three exhibits that I have 6:27AM 21 dentification.) 6:27AM 22 Q If you could use the three exhibits that I have 6:27AM 22 Q If you can look in the shared exhibit 1350 as marked for 23 Q Okay. So let's start with Exhibit 1350. 23 Q Okay. So let's start with Exhibit 1350 as marked for 24 Q Mean and accurate copy of your opening expert 25 Q Okay. And does this appear to be a 6:27AM 26 Q Mad are you aware of any errors in your reply 4 expert report? 4 Complete and accurate copy of your opening expert 26 Q Nowember 30th, 2022. 4 What the add do you say? 4 report. 4 A I do have it open. 4 A I do have it open. 5 Q November 30th, 2022. 5 Q November 30th, 2022. 5 Q November 30th, 2022. 6 Q Nove	1	I don't recall. 6:25AM	1	accurate copy of your rebuttal expert report dated 6:29AM
4 to the body of the report, not to the entire reports 5 Q Do you know if it's more than \$500,000? 6:26AM 6 A is not more than \$500,000? 6:26AM 7 Q So somewhere in between 100,000 and 8 500,000? 9 A No. 10 Q No. not between there? 9 A No. 11 A Not in that range. It's somewhere probably 12 higher than 100,000, but I would venture to say most 13 likely much closer 100,000 than to anything close to 15 fact in that range. It's somewhere probably 16 felding the sole and double check that at this 17 point. And we're talking about a range of over two 18 years, so I really don't have any clear idea. 19 Q Now, if you can look in the shared exhibit 19 Q Now, if you can look in the shared exhibit 19 deficit drive. 20 Gloker, do you see the three exhibits that I have 21 A I do. 22 A I do. 23 Q Okay. So let's start with Exhibit 1350. 24 (Whereupon, Exhibit 1350 aws marked for 25 identification.) 25 (alentification.) 26 (27AM) 27 Q Now, and double shows marked for 28 (alentification.) 29 A Now, flow and so we will be shared exhibit 20 folder, do you see the three exhibits that I have 20 (I you could just open that up and let me 21 January 23rd, 2023? 22 A I do. 23 Q Okay. So let's start with Exhibit 1350. 24 (Whereupon, Exhibit 1350 aws marked for 25 identification.) 26 (27AM) 27 Q Now one you have it open. 28 A What date did you way? 29 Q November 30th, 2022? 30 A It's the body of the report. I don't think 6:28AM 31 it's everything in the report including the appendices 1 31 the report. 32 Q I you could open up the next exhibit. 33 land you aware of any errors in your 34 to the through the appendices 1 35 learnification.) 36 to work one you have it open. 37 Q I and are you aware of any errors in your 38 you aware of any errors in the appendices 1 39 years. 39 years report and the export. 30 Q I you could open up the next exhibit. 31 the moment. 31 the moment. 32 to the previous open, thin it includes the body of my appendices 1 34 to the the abody of the exhibit is and demonstratives, et a certain the moment. 39 years of th			2	•
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22 A Vith the same caveat that I mentioned for 23 the previous report, that it includes the body of my 24 (Whereupon, Exhibit 1350 was marked for 25 identification.) 26.27AM 27 Page 10  1 BY MR. SMITH: 10 Page 10  1 BY MR. SMITH: 11 BY MR. SMITH: 12 Page 10  1 BY MR. SMITH: 13 Page 10  1 BY MR. SMITH: 14 Page 10  15 Page 10  16 Page 10  17 Page 10  18 Page 10  19 Page 10  10 Page 10  10 Page 10  11 BY MR. SMITH: 11 BY MR. SMITH: 12 Page 10  13 Page 10  14 Page 10  15 Page 10  16 Page 10  17 Page 10  18 Page 10  19 Page 10  10 Page 10  10 Page 10  11 BY MR. SMITH: 11 BY MR. SMITH: 12 Page 10  13 Page 10  14 Page 10  15 Page 10  16 Page 10  17 Page 10  18 Page 10  19 Page 10  10 Page 10  10 Page 10  11 BY MR. SMITH: 11 BY MR. SMITH: 12 Page 10  13 Page 10  14 Page 10  15 Page 10  16 Page 10  17 Page 10  18 Page 10  19 Page 10  10 Page 10  10 Page 10  10 Page 10  11 Page 10  11 Page 10  11 Page 10  12 Page 10  13 Page 10  14 Page 10  15 Page 10  16 Page 10  17 Page 10  18 Page 10  19 Page 10  10 Page 10  1	20	folder, do you see the three exhibits that I have 6:27AM	20	accurate copy of your reply expert report dated 6:30AM
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Page 11 Page 13	25		25	
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## Case 3:20-cv-06754-WHA Document 594-13 Filed 04/25/23 Page 4 of 5 HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 claims of both the '885 patent and the '966 patent 6:32AM	1 claim-by-claim basis to be certain, but that's my 6:36AM
2 are invalid over the prior art based on three	2 recollection.
3 primary prior art systems; is that correct?	3 Q And so the Bose system, like the Sonos
4 MR. KAPLAN: Object to form.	4 system, does not meet all elements of the asserted
5 BY MR. SMITH: 6:32AM	5 claims; is that correct? 6:36AM
6 Q I'm referring to the 2005 Sonos system,	6 MR. KAPLAN: Object to form.
7 the Squeezebox system and the Bose system.	7 THE WITNESS: As I said, I would have
8 A There are various combinations that in my	8 phrased it the way I did before. So I would say
9 opinion either anticipate or render obvious the	9 there is at least one limitation that's not
10 asserted claims. And any of them involved at least 6:33AM	10 completely satisfied by the disclosure in the Bose 6:36AM
11 one of what I refer to as the primary systems, which	11 system for the asserted claim.
12 would be the Sonos system, the Squeezebox system and	12 BY MR. SMITH:
13 the Bose system.	13 Q And in this report, Dr. Schonfeld, you
14 Q With respect to the Sonos system, your	14 didn't provide an opinion based on invalidity under
15 opinion is based on obviousness; correct? 6:33AM	15 Section 101; is that correct? 6:36AM
16 A That is correct.	16 A The answer is correct. But let me just
17 Q And so you agree that the Sonos system	17 double check before I answer.
18 does not anticipate the asserted claims of the '885	I do not believe I included an argument
19 patent or the '966 patent; correct?	19 based on Section 101 in this report.
20 A The Sonos 2005 system does not anticipate 6:34AM	Q And you're also not challenging the 6:38AM
21 the asserted claim of the two patents.	21 asserted claims of the '885 patent or the '966
22 Q So the Sonos 2005 system does not meet all	22 patent under Section 112 for lacking written
23 of the elements of the asserted claims; is that	23 description; is that correct?
24 correct?	A I'm going to say the same answer. I believe
25 MR. KAPLAN: Object to form. 6:34AM	25 it's correct, but let me just as a matter of caution 6:38AM
Page 14	Page 16
1 THE WITNESS: I mean, we can go through it 6:34AM	1 just go through and double check it. 6:38AM
1 THE WITNESS: I mean, we can go through it 6:34AM 2 on a claim-by-claim basis. But my recollection is	<ul> <li>1 just go through and double check it.</li> <li>2 I do not challenge the 112 written</li> </ul>
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1			
1 *	they are not operating in standalone mode. 7:31AM	1	BY MR. SMITH: 7:35AM
2	Q So it's your position that when a Sonos	2	Q If it's not actively playing audio, is it
3	player or any player is not playing audio, it's not	3	operating in standalone mode?
4	operating in standalone mode; is that your position?	4	MR. KAPLAN: Object to form.
5	MR. KAPLAN: Object to form, compound. 7:32AM	5	THE WITNESS: If it's not actively playing 7:36AM
6	THE WITNESS: So in my opinion, when, for	6	audio, then in my opinion it's not configured to
7	example, it's to be specific, if we take the '966	7	play media individually consistent with the use of
8	patent, Claim 1, it states in Limitation I think	8	the claim language throughout, for example, Claim 2.
9	it's IV is how everybody referred to it, it says,	9	And moreover, it's not operating and
10	"wherein the first zone player is operating in 7:33AM	10	therefore cannot be viewed as operating in 7:36AM
11	standalone mode in which the first zone player is	11	standalone mode.
12	configured to play back media individually."	12	BY MR. SMITH:
13	So there is a requirement there is a	13	Q So if a player is not playing audio, your
14	requirement to operating in standalone mode and this	14	opinion is that it's not operating at all?
	happens and the requirement for it is that the 7:33AM	15	MR. KAPLAN: Object to form, 7:36AM
	zone the first zone player is configured to play	16	mischaracterizes testimony.
17	back media individually.	17	(Reporter clarification.)
18	So if there is no operation of that	18	THE WITNESS: If it is not playing audio,
19	particular zone player, it cannot in my view operate	19	it might be operating in a sense that it's on, but
20	in a standalone mode. 7:33AM	20	it's not operating in standalone mode. 7:37AM
21	Moreover, it would according to the use	21	BY MR. SMITH:
22	of the claim language "configured to play back media	22	Q And so if a speaker is powered off, is it
23	individually," it would also not be configured to	23	your opinion that that speaker is not operating in
24	play back media individually because the way that	24	standalone mode?
25	phrase is used is to be configured in the context of 7:34AM	25	A If it's turned off? 7:37AM
	Page 38		Page 40
1	the claim language, you actually have to be 7:34AM	1	Q Yes. 7:37AM
2	performing or operating in that mode.	2	A Yes, if a speaker is turned off, it's not
3	For example, if you look at Claim 2, it	3	operating in standalone mode because if it's turned
4	says that when you cease operation, you're no longer	4	off, it's not operating.
5	configured. In that case it's about the 7:34AM	5	
6		5	Moreover, it is not configured at that 7:37AM
	coordination for synchrony, but given the use of the	6	Moreover, it is not configured at that 7:37AM moment to play back media individually because, as I
7			_
		6	moment to play back media individually because, as I
	word "configured" and the fact and how we see	6 7	moment to play back media individually because, as I said, configured to play back media individually
8 9	word "configured" and the fact and how we see this continues throughout the claims, and the fact	6 7 8	moment to play back media individually because, as I said, configured to play back media individually requires actually playing.
8 9	word "configured" and the fact and how we see this continues throughout the claims, and the fact that this is only a requirement for operating in	6 7 8 9	moment to play back media individually because, as I said, configured to play back media individually requires actually playing.  So, for example, if you look at the last
8 9 10	word "configured" and the fact and how we see this continues throughout the claims, and the fact that this is only a requirement for operating in standalone mode, then it would be my view to 7:34AM	6 7 8 9 10	moment to play back media individually because, as I said, configured to play back media individually requires actually playing.  So, for example, if you look at the last phrase of the abstract as an example, it states 7:38AM
8 9 10 11	word "configured" and the fact and how we see this continues throughout the claims, and the fact that this is only a requirement for operating in standalone mode, then it would be my view to 7:34AM determine to operate in standalone mode, you	6 7 8 9 10 11	moment to play back media individually because, as I said, configured to play back media individually requires actually playing.  So, for example, if you look at the last phrase of the abstract as an example, it states 7:38AM I'm just going to go directly to the end, causes the
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